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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/504,782	02/15/2000	Masahiro Kume	0819-337	8307

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EXAMINER

FLORES RUIZ, DELMA R

ART UNIT PAPER NUMBER

2828

DATE MAILED: 07/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/504,782

Applicant(s)

KUME ET AL.

Examiner

Delma R. Flores Ruiz

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.


- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) 7-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.


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Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 6 are rejected under 35 U.S.C. 102^e(b) as being anticipated by Sverdlov et al (6,455,337)

Regarding claims 1 – 3, Sverdlov discloses a semiconductor laser device comprising; a first cladding (see Fig. 1, Character 16) layer, which is made of a nitride semiconductor of a first conductivity type (see Fig. 1, Character 18) and is formed over a substrate (see Fig. 1, Character 12); an active layer (see Fig. 1, Character 20), which is made of, which is made $\text{In}_y\text{Ga}_{1-y}\text{N}$ layer and is formed over the first cladding layer; and a second cladding (see Fig. 1, Character 24) layer, which is made of still another nitride semiconductor of a second conductivity type (see Fig. 1, Character 22) and is

formed over the active layer, wherein $\text{In}_x\text{Ga}_{1-x}\text{N}$ layer of the first conductivity type is formed between the substrate and the first cladding layer and $x \geq y$ in the composition on In (see Figs. 1 – 7, Abstract, Column 2, lines 43 – 67, Column 4, lines 11 – 65). The $\text{In}_x\text{Ga}_{1-x}\text{N}$ layer and is formed is formed in contact with the first cladding layer and substrate (see Figs. 1 – 7, Abstract, Column 2, lines 43 – 67, Column 4, lines 11 – 65).

Regarding claims 4 – 6, Sverdlov discloses a semiconductor laser device comprising ; a first cladding (see Fig. 1, Character 16) layer, which is made of a nitride semiconductor of a first conductivity type (see Fig. 1, Character 18) and is formed over a substrate (see Fig. 1, Character 12); an active layer (see Fig. 1, Character 20) layer, which is made of $\text{In}_y\text{Ga}_{1-y}\text{N}$ and is formed over the first cladding layer; and a second cladding layer (see Fig. 1, Character 24), which is made of still another nitride semiconductor of a second conductivity type (see Fig. 1, Character 22) and is formed over the active layer, an electrode (see Fig. 1, Character 26 and 28) formed over the second cladding layer; wherein $\text{In}_x\text{Ga}_{1-x}\text{N}$ of the second conductivity type and is formed between the second cladding layer and $x \geq y$ in the composition on In and electrode (see Figs. 1 – 7, Abstract, Column 2, lines 43 – 67, Column 4, lines 11 – 65). The $\text{In}_x\text{Ga}_{1-x}\text{N}$ layer and is formed is formed in contact with the second cladding layer and electrode (see Figs. 1 – 7, Abstract, Column 2, lines 43 – 67, Column 4, lines 11 – 65).

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Response to Arguments

Applicant's arguments filed June 17, 2003 have been fully considered but they are not persuasive. Applicant's arguments with respect to claims 1 – 6 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Delma R. Flores Ruiz whose telephone number is (703) 308-6238. The examiner can normally be reached on M - F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Ip can be reached on (703) 308-3098. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3431.



Delma R. Flores Ruiz

Examiner

Art Unit 2828

DRFR/PI

July 11, 2003



Paul Ip

Supervisor Patent Examiner

Art Unit 2828